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APR 21 2004

In re Application of
Crooks, et al.
Application No. 10/681,457
Filed: October 7, 2003
Attorney Docket No. 57070US037
For: AMIDO ETHER SUBSTITUTED
IMIDAZOQUINOLINES

OFFICE OF PETITIONS

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: DECISION ON
: PETITION
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This is a decision on the petition, filed March 1, 2004 (certificate of mailing date February 23, 2004), requesting that page 4 of the specification be accorded a filing date of October 7, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 7, 2003. On February 12, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that page 4 of the specification appeared to have been omitted.

Petitioners request that page 4 be accorded a filing date of October 7, 2003 on the basis that 79 pages of specification, including page 4, were received in the Patent and Trademark Office (PTO) on October 7, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing October 7, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 79 pages of specification.

The return postcard constitutes *prima facie* evidence that 79 pages of specification were filed on October 7, 2003. MPEP 503. A review of the application file reveals that there are only 78 pages of specification present. Page 4 is missing.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 7, 2003**, using the copy of page 4 submitted with the instant petition. Office records will be corrected to show that 79 pages of specification were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions